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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 WAYNE A. RANKIN,

10 Plaintiff,

11 v.

12 MICHAEL J. ASTRUE, Commissioner of  
13 Social Security,

14 Defendant.

CASE NO. C07-5558FDB-KLS

ORDER

15 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of United States  
16 Magistrate Judge Karen L. Strombom, and the remaining record, and no objections to the report and  
17 recommendation having been filed, does hereby find and ORDER:

- 18 (1) the Court adopts the Report and Recommendation;  
19 (2) the ALJ erred in his decision as described in the report;  
20 (3) the matter is therefore REVERSED and remanded to the Commissioner for further  
21 administrative proceedings; and  
22 (4) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel  
23 and Magistrate Judge Karen L. Strombom.

24 DATED this 2<sup>nd</sup> day of September 2008.

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28 FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE